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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,360	06/08/2001	Tung-Liang Li	PUSA210516	1522

23595 7590 04/27/2004

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EXAMINER

CHAU, COREY P

ART UNIT	PAPER NUMBER
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2644

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DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/877,360

Applicant(s)

LI, TUNG-LIANG

Examiner

Corey P Chau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☐ Claim(s) 1 and 2 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 08 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP11-232864 to Hideaki in view of U.S. Patent No. 5903871 to Terui et al. (hereafter as Terui) and in further view of U.S. Patent No. 4396800 to McDonnell et al. (hereafter as McDonnell).

3. Regarding Claim 1, Hideaki discloses a recording-and-reproducing device (1) comprising a hollow rod (3), a head disposed on the hollow rod (301,302), and a digital recorder (Fig. 1; claim 10; paragraph 0005; paragraph 0025) disposed in the hollow rod (4); the hollow rod having a speaker (Sp), and an earphone jack (452); the digital recorder having a pause button (444), a play button (442), a record button (441), a fast-forward button (445), a memory device (claim 10; paragraph 0005; paragraph 0025), and a plurality of cells (Ba).

Hideaki discloses a recording-and-reproducing device wherein the recording medium is a semiconductor-integrated-circuit memory comprising control button, but does not disclose a recording-mode button, a clear away button, a hold button, a fast-selection button, and a display. Terui, discloses a voice recording and/or reproducing apparatus that has a memory for storing information unique to a user and/or

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information unique to the apparatus. The apparatus comprises a MENU button for setting a menu mode (i.e. a recording-mode button); ERASE button for erasing recorded voice data (i.e. clear away button); a HOLD button for preventing the buttons from being erroneously operated when no operation is necessary; an index search button SEARCH for searching an index mark for indicating the beginning of a dictation file (i.e. a fast-selection button); and a display for displaying an operation mode, or a state of user identification setting. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ any known method of digitally recording voice, such as that of Terui. Therefore it would have been obvious to modify the recording-and-reproducing device of Hideaki with the teaching of Terui to have more features such as, a MENU button for setting a menu mode (i.e. a recording-mode button); ERASE button for erasing recorded voice data (i.e. clear away button); a HOLD button for preventing the buttons from being erroneously operated when no operation is necessary; an index search button SEARCH for searching an index mark for indicating the beginning of a dictation file (i.e. a fast-selection button); and a display for displaying an operation mode, or a state of user identification setting;

Hideaki as modified does not expressly disclose a cover disposed on the hollow rod to cover the digital recorder. However, it would have been obvious to one of ordinary skill in the art to provide such a cover disposed on the hollow rod so that buttons would not be activated accidentally while user is holding the device.

Hideaki as modified does not expressly disclose a connector at the bottom of the hollow rod. It would have been obvious at the time the invention was made to one of

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ordinary skill in the art to provide an alternative means to supply power to the microphone for long term use beyond the life of batteries and to have an audio output for an amplifier or a transmission feed, such a dual purpose connection for simultaneous power and signal transmission was well known in the art as taught by McDonnell.

Hideaki as modified does not expressly disclose a repeat button, a line-in jack, and a personal computer connecting jack. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a repeat button, in order to replay current selected audio file; a line-in jack, in order the device to receive external audio signals; and a personal computer connecting jack, in order to connect the device with a computer to receive and transmit audio information.

4. Claim 2 is essentially similar to Claim 1 and is rejected for the reason stated above apropos of Claim 1. Hideaki discloses a recording-and-reproducing device that is disposed at the bottom of the rod. However Hideaki does not expressly disclose a lower connector, and an upper connector, the upper connector engaging with the socket, and a plug engaging with the lower connector. McDonnell discloses a microphone comprising a lower connector, and an upper connector, the upper connector engaging with the socket, and a plug engaging with the lower connector, in order to develop a system for unobtrusive communication between a performer employing a simple adapter which is mechanically and electrically connected between the microphone and its associated cable as an extension to the microphone handle (Fig. 2; column 1, lines 25-49). Therefore, it would have been obvious to one of ordinary skill in the art at the

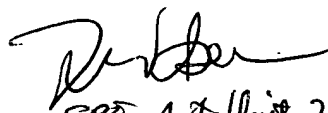
time the invention was made to incorporate a lower connector, and an upper connector, the upper connector engaging with the socket, and a plug engaging with the lower connector, in order to develop a system for unobtrusive communication between a performer employing a simple adapter which is mechanically and electrically connected between the microphone and its associated cable as an extension to the microphone handle.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (703)305-0683. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on (703)305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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April 5, 2004